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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,717	06/13/2005	Yong-Kyun Kim	P5093/TAN	7314
41943 GWIPS Peter T. Kwon Gwacheon P.O. Box 72 119 Byeolyang Ro Gwacheon City, Gyeonggi-Do, 427-600 KOREA, REPUBLIC OF	7590 01/22/2009		<div>EXAMINER</div> <div>BARTOSIK, ANTHONY N</div>	
			<div>ART UNIT</div> <div>3635</div>	<div>PAPER NUMBER</div>
			<div>MAIL DATE</div> <div>01/22/2009</div>	<div>DELIVERY MODE</div> <div>PAPER</div>

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/538,717

Applicant(s)

KIM, YONG-KEUN

Examiner

ANTHONY N. BARTOSIK

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
4a) Of the above claim(s) 1-38 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 39-47 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

This is a Second Action Non-Final sent in response to Applicant's Amendments/Remarks of October 3, 2008. After reviewing the previous rejection and the pending claims, a Non-Final action is being issued to address issues not considered previously.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 44 and 46 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 44 and 46 contain the limitations of the base sleeve and wedge being "produced through elastic process." The specification does not include any description of the process, and such a lack of explanation does not satisfy 35 U.S.C. 112, first paragraph so that one skilled in the art to make or use the invention.

3. Claims 39 and 45 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to

one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not contain a description to the figures included in claims 39 and 45. Accordingly, these figures in the claims result in a new matter rejection.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 39-47 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 39 and 45 include an image/figure within the claim. Such an inclusion is improper.

7. Claims 39 and 45 are further found to be indefinite due to the duplicate description of the outer and inner base sleeve shape from the written description in comparison with the figures.

8. Claims 39, 41, 42, 43, and 45 are deemed indefinite due to the claim language relating the reinforcing bars and the bar coupler. As currently drafted the claims are to a subcombination that does not include and positively recite the limitation of reinforcing bars. The claims later then recite limitations that limit the coupler based upon the

reinforcing bars, i.e. "with same pattern of the semi-annular ribs (12)...". This relationship renders the claim indefinite as the reinforcing bars are not a limitation of the claims. The limitations based upon the reinforcing bars must either be canceled or the claim must be amended to include the combination of the coupler and the reinforcing bars.

9. Claims 39, 40, 45, and 47 are found to be indefinite since Applicant has not distinctly claimed the subject matter which applicant regards as the invention. Claims 39 and 45 above mentioned claims include the language "and a pair of locking parts along with both edges." Based upon Applicant's figures and Arguments, the language as claimed is not that of Applicant's invention. Currently the phrase "locking parts along with both edges" is properly interpreted to mean that there is a locking part as well as two edges and no physical relation between the two. This is a result of the word "with." If the phrase was amended to state, "locking parts along both edges" it would limit the locking parts to be located on the edges as Applicant intends. For examination purposes the claim is being interpreted as written, where it only requires two separate and distinct features, locking parts and two edges.

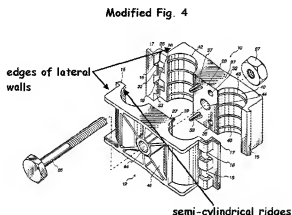
Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –


(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 39 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Jobin et al. (US 5,794,897).



12. In Re claims 39 and 45, Figures 1-4 of Jobin et al. disclose a base sleeve (12) forming an outer U shaped container with a flat bottom surface, two flat lateral surface and two rounded corners between said bottom and lateral surfaces and an inner W shaped dual half-cylindrical cavities (40 & 42) with a top opening for mounting the first and second reinforcing bars laid in parallel, an inner surface of the W shaped dual half-cylindrical cavities forming a plurality of semi-annular grooves (45) from end-to-end with same patterns of the semi-annular ribs for fitting the semi-annular ribs and semi-cylindrical ridges (see modified Fig. 4) of the first and second reinforcing bars, and a pair of locking parts (18 & 19) along with both edges of lateral walls, wherein W shaped dual half-cylindrical cavities are closely arranged to directly contact the first and second reinforcing bars for tightly binding each other,

a cover sleeve (10) forming a M shaped dual arch cut-outs on an lower surface having a plurality of semi-annular grooves (45) from end-to-end with same

patterns of the semi-annular ribs for fitting the semi-annular ribs and semi-cylindrical ridges (see modified Fig. 4) of the first and second reinforcing bars and a flat top surface at opposite upper surface, wherein the  shaped arch cut-outs on an lower surface are closely arranged to directly contact the first and second reinforcing bars for tightly binding each other, and

a wedge (39) having gradually decreasing thickness along with the axial direction,

and a pair of locking sections (18 & 19) along with both edges for firmly coupling the first and second reinforcing bars as axially slide advancing into said base sleeve (12).

The Examiner notes that the language of the locking parts and lateral wall is being interpreted as set forth in paragraph 9 above. Additionally, the reinforcing bar is not positively recited as a limitation and considered limiting only to the effect of functional and intended use. The phrases, "for coupling," "for fitting," and "with same patterns" above, are statements of functional and intended use limitations. Functional and intended use limitations must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use it meets the limitations of the claim. MPEP 2106 (c) & 2114. Here, Jobin et al. is capable of being used with reinforcing bars and operating in the manner claimed given a bar with the proper size and shape.

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. Claims 40-44 and 46-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jobin et al. (US 5,794,897).

15. In Re claims 40 and 47, as best understood, Figures 1-4 of Jobin et al. teach the claimed limitations except for the particular shape of the locking parts. The Court in, *In re Dailey* held that changes in shape is a matter of design choice which a person of ordinary skill in the art would have found obvious absent persuasive evidence that the particular shape of the claimed container was significant. *In re Dailey*, 357 F.2d 669, 149 USPQ 47 (citing MPEP 2144.04(IV)). Here the shape of the locking parts as claimed presents no significant change and would therefore be obvious.

16. In Re claims 41 and 43, Figures 1-4 of Jobin et al. teach the claimed limitations except for size being in relation to a reinforcing bar. The reinforcing bar is not positively recited as a limitation and considered limiting only to the effect of functional and intended use. Functional and intended use limitations must result in a structural difference between the claimed invention and the prior art in order to patentably

distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use it meets the limitations of the claim. MPEP 2106 (c). Here, Jobin et al. is capable of being sized such that the reinforcing bars fit as claimed, and therefore renders the claimed limitations obvious.

17. In Re claims 42, 44, and 46, as best understood by the Examiner due to the 112 rejections above, are found to be an obvious modification over Jobin et al. and are therefore rejected.

Response to Arguments

18. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY N. BARTOSIK whose telephone number is (571)270-3112. The examiner can normally be reached on M-F 7:30-5:00; E.D.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot, Jr./
Supervisory Patent Examiner, Art Unit 3635

Anthony Bartosik
Examiner
Art Unit 3635
